Montana Legislative History

Chapter: 220 Session L: 2021

Bill Number:
HB 407

Checklist of Bill History

History and Final Status Sheet	x
Introduced Bill	X
Fiscal Note	X
Third Reading Bill	X
Final Version of Bill	X

House

Committee:
Business and Labot

Hearing Date(s):
2/18/2021
2/19/2021
(Executive Action)

Senate

Committee: Business and Labor

Hearing Date(s):
March 23, 2021
March 24, 2021 (Exec. Action)

Conference Committee

N/A

Compiler Notes

Compiled by: sg

Date: 8/21/2024

Notes:

Exported Data

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
04/16/21	Chapter Number Assigned				
04/16/21	(H) Signed by Governor				
04/09/21	(H) Transmitted to Governor				
04/08/21	(S) Signed by President				
04/07/21	(H) Signed by Speaker				
04/06/21	(C) Printed - Enrolled Version Available				
04/06/21	(H) Returned from Enrolling				
04/01/21	(H) Sent to Enrolling				
03/31/21	(S) Returned to House				
03/31/21	(S) 3rd Reading Concurred		29	20	
03/31/21	(S) Scheduled for 3rd Reading				
03/30/21	(S) 2nd Reading Concurred		28	22	
03/30/21	(S) Scheduled for 2nd Reading				
03/24/21	(S) Committee Report--Bill Concurred	(S) Business, Labor, and Economic Affairs			
03/24/21	(S) Committee Executive Action--Bill Concurred	(S) Business, Labor, and Economic Affairs	7	4	
03/23/21	(S) Hearing	(S) Business, Labor, and Economic Affairs			
02/26/21	(S) Referred to Committee	(S) Business, Labor, and Economic Affairs			
02/26/21	(S) First Reading				
02/25/21	(H) Transmitted to Senate				
02/25/21	(H) 3rd Reading Passed		64	34	
02/25/21	(H) Scheduled for 3rd Reading				
02/24/21	(H) 2nd Reading Passed		64	35	
02/24/21	(H) Scheduled for 2nd Reading				
02/19/21	(H) Committee Report--Bill Passed	(H) Business and Labor			
02/19/21	(H) Committee Executive Action--Bill Passed	(H) Business and Labor	12	8	
02/18/21	(H) Hearing	(H) Business and Labor			
02/15/21	(H) First Reading				
02/15/21	(H) Referred to Committee	(H) Business and Labor			
02/12/21	(C) Introduced Bill Text Available Electronically				
02/12/21	(H) Introduced				

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
02/12/21	(C) Draft Delivered to Requester				
02/11/21	(C) Draft Ready for Delivery				
02/10/21	(C) Executive Director Final Review				
02/10/21	(C) Draft Ready for Delivery				
02/10/21	(C) Draft in Assembly				
02/09/21	(C) Executive Director Review				
02/09/21	(C) Bill Draft Text Available Electronically				
02/09/21	(C) Draft in Final Drafter Review				
02/09/21	(C) Draft in Input/Proofing				
02/06/21	(C) Draft to Drafter - Edit Review				
02/04/21	(C) Draft in Edit				
02/04/21	(C) Draft in Legal Review				
02/03/21	(C) Draft to Requester for Review				
01/12/21	(C) Draft Request Received				

AN ACT GENERALLY REVISING LAWS RELATED TO ESTABLISHING STATEWIDE UNIFORMITY FOR AUXILIARY CONTAINER REGULATIONS; PREEMPTING LOCAL ORDINANCES, RESOLUTIONS, INITIATIVES, OR REFERENDUMS REGULATING AUXILIARY CONTAINERS; PROHIBITING LOCAL GOVERNMENTS FROM ADOPTING OR ENFORCING ORDINANCES, RESOLUTIONS, INITIATIVES, OR REFERENDUMS REGULATING THE USE, DISPOSITION, SALE, PROHIBITIONS, FEES, CHARGES, OR TAXES ON AUXILIARY CONTAINERS; PROVIDING CERTAIN EXCEPTIONS; AND AMENDING SECTIONS 7-1-111 AND 7-5-131, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Statewide uniformity for auxiliary container regulations -- local prohibitions -- definitions. (1) The purpose of this section is to preempt any local ordinance, resolution, initiative, or referendum regulating the use, disposition, sale, prohibitions, fees, charges, or taxes on certain containers.

(2) Except as provided in subsection (3), a local unit of government may not adopt or enforce any local ordinance, resolution, initiative, or referendum that:

(a) regulates the use, disposition, or sale of auxiliary containers;

(b) prohibits or restricts auxiliary containers; or

(c) imposes a fee, charge, or tax on auxiliary containers.

(3) The prohibitions in subsection (2) may not be construed to prohibit, restrict, or apply to any of the following:

(a) a curbside recycling program;

(b) a designated residential or commercial recycling location;

(c) a commercial recycling program;

(d) an ordinance that prohibits littering; or

(e) the use of auxiliary containers on property owned by a local unit of government.

(5) As used in this section, unless the context requires otherwise, the following terms apply:

(a) "Auxiliary container" means a bag, cup, bottle, can, device, eating or drinking utensil or tool, or other packaging, whether reusable or single use, that is:

(i) made of cloth, paper, plastic, including foamed or expanded plastic, cardboard, corrugated material, aluminum, glass, postconsumer recycled material, or similar material or substrates, including coated, laminated, or multilayer substrates; and

(ii) designed for transporting, consuming, or protecting merchandise, food, or a beverage to or from, or at, a food service, manufacturing, distribution or processing facility, or retail facility.

(b) “Local unit of government” means any county, municipality, school district, special district or other political subdivision of the state, including any agency or governing body of a local unit of government as defined by 7-4-502, or a similar unit of government of another state or nation.

Section 2. Section 7-1-111, MCA, is amended to read:

"**7-1-111.** ***(Subsection (21) effective October 1, 2021)*** **Powers denied.** A local government unit with self-government powers is prohibited from exercising the following:

(1) any power that applies to or affects any private or civil relationship, except as an incident to the exercise of an independent self-government power;

(2) any power that applies to or affects the provisions of 7-33-4128 or Title 39, except that subject to those provisions, it may exercise any power of a public employer with regard to its employees;

(3) any power that applies to or affects the public school system, except that a local unit may impose an assessment reasonably related to the cost of any service or special benefit provided by the unit and shall exercise any power that it is required by law to exercise regarding the public school system;

(4) any power that prohibits the grant or denial of a certificate of compliance or a certificate of public convenience and necessity pursuant to Title 69, chapter 12;

(5) any power that establishes a rate or price otherwise determined by a state agency;

(6) any power that applies to or affects any determination of the department of environmental quality with regard to any mining plan, permit, or contract;

(7) any power that applies to or affects any determination by the department of environmental quality with regard to a certificate of compliance;

(8) any power that defines as an offense conduct made criminal by state statute, that defines an offense as a felony, or that fixes the penalty or sentence for a misdemeanor in excess of a fine of $500, 6 months' imprisonment, or both, except as specifically authorized by statute;

(9) any power that applies to or affects the right to keep or bear arms;

(10) any power that applies to or affects a public employee's pension or retirement rights as established by state law, except that a local government may establish additional pension or retirement systems;

(11) any power that applies to or affects the standards of professional or occupational competence established pursuant to Title 37 as prerequisites to the carrying on of a profession or occupation;

(12) except as provided in 7-3-1105, 7-3-1222, or 7-31-4110, any power that applies to or affects Title 75, chapter 7, part 1, or Title 87;

(13) any power that applies to or affects landlords, as defined in 70-24-103, when that power is intended to license landlords or to regulate their activities with regard to tenants beyond what is provided in Title 70, chapters 24 and 25. This subsection is not intended to restrict a local government's ability to require landlords to comply with ordinances or provisions that are applicable to all other businesses or residences within the local government's jurisdiction.

(14) subject to 7-32-4304, any power to enact ordinances prohibiting or penalizing vagrancy;

(15) subject to 80-10-110, any power to regulate the registration, packaging, labeling, sale, storage, distribution, use, or application of commercial fertilizers or soil amendments, except that a local government may enter into a cooperative agreement with the department of agriculture concerning the use and application of commercial fertilizers or soil amendments. This subsection is not intended to prevent or restrict a local government from adopting or implementing zoning regulations or fire codes governing the physical location or siting of fertilizer manufacturing, storage, and sales facilities.

(16) subject to 80-5-136(10), any power to regulate the cultivation, harvesting, production, processing, sale, storage, transportation, distribution, possession, use, and planting of agricultural seeds or vegetable seeds as defined in 80-5-120. This subsection is not intended to prevent or restrict a local government from

adopting or implementing zoning regulations or building codes governing the physical location or siting of agricultural or vegetable seed production, processing, storage, sales, marketing, transportation, or distribution facilities.

(17) any power that prohibits the operation of a mobile amateur radio station from a motor vehicle, including while the vehicle is in motion, that is operated by a person who holds an unrevoked and unexpired official amateur radio station license and operator's license, "technician" or higher class, issued by the federal communications commission of the United States;

(18) subject to 76-2-240 and 76-2-340, any power that prevents the erection of an amateur radio antenna at heights and dimensions sufficient to accommodate amateur radio service communications by a person who holds an unrevoked and unexpired official amateur radio station license and operator's license, "technician" or higher class, issued by the federal communications commission of the United States;

(19) any power to require a fee and a permit for the movement of a vehicle, combination of vehicles, load, object, or other thing of a size exceeding the maximum specified in 61-10-101 through 61-10-104 on a highway that is under the jurisdiction of an entity other than the local government unit;

(20) any power to enact an ordinance governing the private use of an unmanned aerial vehicle in relation to a wildfire;

(21) any power to prohibit completely adult-use providers, adult-use marijuana-infused products providers, and adult-use dispensaries from being located within the jurisdiction of the local government except as allowed in Title 16, chapter 12; or

(22) any power as prohibited in [section 1(2)] affecting, applying to, or regulating the use, disposition, sale, prohibitions, fees, charges, or taxes on auxiliary containers, as defined in [section 1(5)]."

Section 3. Section 7-5-131, MCA, is amended to read:

"**7-5-131. Right of initiative and referendum.** (1) ~~The~~ Except as provided in subsection (2), the powers of initiative and referendum are reserved to the electors of each local government. Resolutions and ordinances within the legislative jurisdiction and power of the governing body of the local government~~, except those set out in subsection (2),~~ may be proposed or amended and prior resolutions and ordinances may be repealed in the manner provided in 7-5-132 through 7-5-135 and 7-5-137.

(2) The powers of initiative do not extend to the following:

(a) the annual budget;

(b) bond proceedings, except for ordinances authorizing bonds;

(c) the establishment and collection of charges pledged for the payment of principal and interest on bonds;

(d) the levy of special assessments pledged for the payment of principal and interest on bonds; ~~or~~

(e) the prioritization of the enforcement of any state law by a unit of local government; or

(f) the regulation of auxiliary containers, defined in [section 1(5)], as prohibited by [section 1(2)]."

Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 7, and the provisions of Title 7 apply to [section 1].

- END -

I hereby certify that the within bill,

HB 407, originated in the House.

_____

Chief Clerk of the House

_____

Speaker of the House

Signed this _____day

of_____, 2021.

_____

President of the Senate

Signed this _____day

of_____, 2021.

HOUSE BILL NO. 407

INTRODUCED BY M. NOLAND

AN ACT GENERALLY REVISING LAWS RELATED TO ESTABLISHING STATEWIDE UNIFORMITY FOR AUXILIARY CONTAINER REGULATIONS; PREEMPTING LOCAL ORDINANCES, RESOLUTIONS, INITIATIVES, OR REFERENDUMS REGULATING AUXILIARY CONTAINERS; PROHIBITING LOCAL GOVERNMENTS FROM ADOPTING OR ENFORCING ORDINANCES, RESOLUTIONS, INITIATIVES, OR REFERENDUMS REGULATING THE USE, DISPOSITION, SALE, PROHIBITIONS, FEES, CHARGES, OR TAXES ON AUXILIARY CONTAINERS; PROVIDING CERTAIN EXCEPTIONS; AND AMENDING SECTIONS 7-1-111 AND 7-5-131, MCA.

HOUSE BILL NO. 407

INTRODUCED BY M. NOLAND

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO ESTABLISHING STATEWIDE UNIFORMITY FOR AUXILIARY CONTAINER REGULATIONS; PREEMPTING LOCAL ORDINANCES, RESOLUTIONS, INITIATIVES, OR REFERENDUMS REGULATING AUXILIARY CONTAINERS; PROHIBITING LOCAL GOVERNMENTS FROM ADOPTING OR ENFORCING ORDINANCES, RESOLUTIONS, INITIATIVES, OR REFERENDUMS REGULATING THE USE, DISPOSITION, SALE, PROHIBITIONS, FEES, CHARGES, OR TAXES ON AUXILIARY CONTAINERS; PROVIDING CERTAIN EXCEPTIONS; AND AMENDING SECTIONS 7-1-111 AND 7-5-131, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Statewide uniformity for auxiliary container regulations -- local prohibitions -- definitions.** (1) The purpose of this section is to preempt any local ordinance, resolution, initiative, or referendum regulating the use, disposition, sale, prohibitions, fees, charges, or taxes on certain containers.

(2) Except as provided in subsection (3), a local unit of government may not adopt or enforce any local ordinance, resolution, initiative, or referendum that:

(a) regulates the use, disposition, or sale of auxiliary containers;

(b) prohibits or restricts auxiliary containers; or

(c) imposes a fee, charge, or tax on auxiliary containers.

(3) The prohibitions in subsection (2) may not be construed to prohibit, restrict, or apply to any of the following:

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(c) a commercial recycling program;

(d) an ordinance that prohibits littering; or

(e) the use of auxiliary containers on property owned by a local unit of government.

(5) As used in this section, unless the context requires otherwise, the following terms apply:

(a) "Auxiliary container" means a bag, cup, bottle, can, device, eating or drinking utensil or tool, or other packaging, whether reusable or single use, that is:

(i) made of cloth, paper, plastic, including foamed or expanded plastic, cardboard, corrugated material, aluminum, glass, postconsumer recycled material, or similar material or substrates, including coated, laminated, or multilayer substrates; and

(ii) designed for transporting, consuming, or protecting merchandise, food, or a beverage to or from, or at, a food service, manufacturing, distribution or processing facility, or retail facility.

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(6) any power that applies to or affects any determination of the department of environmental quality with regard to any mining plan, permit, or contract;

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(8) any power that defines as an offense conduct made criminal by state statute, that defines an offense as a felony, or that fixes the penalty or sentence for a misdemeanor in excess of a fine of $500, 6 months' imprisonment, or both, except as specifically authorized by statute;

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(21) any power to prohibit completely adult-use providers, adult-use marijuana-infused products providers, and adult-use dispensaries from being located within the jurisdiction of the local government except as allowed in Title 16, chapter 12; or

(22) any power as prohibited in [section 1(2)] affecting, applying to, or regulating the use, disposition, sale, prohibitions, fees, charges, or taxes on auxiliary containers, as defined in [section 1(5)]."

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(c) the establishment and collection of charges pledged for the payment of principal and interest on bonds;

(d) the levy of special assessments pledged for the payment of principal and interest on bonds; ~~or~~

(e) the prioritization of the enforcement of any state law by a unit of local government; or

(f) the regulation of auxiliary containers, defined in [section 1(5)], as prohibited by [section 1(2)]."

NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 7, and the provisions of Title 7 apply to [section 1].

- END -

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: Chair Mark Noland, on February 18, 2021 at 08:30 AM, in Room 172 Capitol

ROLL CALL

Members Present:

Rep. Mark Noland, Chair (R)
Rep. Edward Buttrey, Vice Chair (R)
Rep. Katie Sullivan, Vice Chair (D)
Rep. Fred Anderson (R)
Rep. Willis Curdy (D)
Rep. Neil Duram (R)
Rep. Ross H. Fitzgerald (R)
Rep. Moffie Funk (D)
Rep. Steve Gist (R)
Rep. Steve Gunderson (R)
Rep. Derek J. Harvey (D)
Rep. Denley M. Loge (R)
Rep. Ron Marshall (R)
Rep. Sara Novak (D)
Rep. Andrea Olsen (D)
Rep. Kerri Seekins-Crowe (R)
Rep. Katie Zolnikov (R)

Members Excused:

Rep. Kim Abbott (D)
Rep. Steven Galloway (R)
Rep. Rynalea Whiteman Pena (D)

Members Absent: None

Staff Present:

Jordee Bomgardner, Committee Secretary
Jameson Walker, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 338, 2/10/2021; SB 121, 2/10/2021; HB 379, 2/15/2021; HB 407, 2/15/2021

08:33:38 Vice Chair Buttrey assumed the Chair.
08:34:00 Rep. Whiteman Pena joined the meeting.

HEARING ON HB 407

Opening Statement by Sponsor:
08:34:00 Rep. Mark Noland (R), HD 10, opened the hearing on HB 407, Establish a statewide uniformity for auxiliary container regulations.

Proponents' Testimony:
08:36:43 Brad Griffin, Montana Retail Association (MRA)
EXHIBIT(buh34a01)

08:42:42 Neil Peterson, Gaming Industry Association (GIA)
08:43:27 Brad Longcake, Montana Petroleum Marketers and Convenience Store Association (MPMCSA)
08:44:07 Dave Galt, Montana Chamber of Commerce
08:44:26 John Iverson, Montana Tavern Association (MTA)
08:44:41 Elaine Taylor, Montana Beverage Association (MTBEV)

Opponents' Testimony:
08:45:28 John MacDonald, City of Missoula; City of Bozeman

Informational Testimony: None

Questions from Committee Members and Responses:
08:48:56 Rep. Marshall
08:49:41 John MacDonald, City of Missoula; City of Bozeman

Closing by Sponsor:
08:50:20 Rep. Noland

08:51:49 Rep. Noland assumed the Chair.

HEARING ON SB 121

Opening Statement by Sponsor:
08:52:25 Sen. Tom Jacobson (D), SD 11, opened the hearing on SB 121, Revise definition of acupuncture to reflect modern techniques and standards.

Proponents' Testimony:
08:54:34 Jennifer Holloman, Montana Association of Acupuncture and Oriental Medicine (MAAOM)
08:57:10 Tanja Brekke, Montana Association of Acupuncture and Oriental Medicine (MAAOM)
EXHIBIT(buh34a02)

08:59:21 Sam Schmidt, Montana American Physical Therapy Association (APTA)
EXHIBIT(buh34a03)

09:00:48 Gary Lusin, self
EXHIBIT(buh34a04)

09:01:54 Christian Apple, Montana American Physical Therapy Association (APTA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
09:04:05 Rep. Gunderson
09:04:32 Sen. Jacobson
09:05:19 Rep. Gunderson
09:08:56 Jennifer Holloman, MAAOM
09:10:11 Chair Noland
09:10:27 Rep. Duram
09:11:25 Jennifer Holloman, MAAOM
09:12:36 Rep. Duram

Closing by Sponsor:
09:12:57 Sen. Jacobson

HEARING ON HB 379

Opening Statement by Sponsor:
09:16:53 Rep. Sue Vinton (R), HD 56, opened the hearing on HB 379, Revise laws for non-discriminatory rate setting in insurance.

Proponents' Testimony:
09:19:00 Commissioner Troy Dowing, Commissioner of Securities and Insurance, Office of the Montana State Auditor (CSI)
EXHIBIT(buh34a05)

09:23:48 Bob Biskupiak, Commissioner of Securities and Insurance, Office of the Montana State Auditor (CSI)
EXHIBIT(buh34a06)

09:28:30 Bill Warden, National Association of Insurance Financial Advisors (NAIFA)
09:29:09 Meg Jacoby, National Association of Insurance Financial Advisors (NAIFA)
09:32:06 Dan Sullivan, National Association of Insurance Financial Advisors (NAIFA)
09:35:10 Brian Nelson, National Association of Insurance Financial Advisors (NAIFA)
09:36:21 Jon Metropoulos, Farmers Insurance Group; American Council of Life Insurers (ACLI)
09:38:48 Greg Van Horssen, State Farm Insurance Company
09:39:51 Aimee Grmoljez, American Property Casualty Insurance Association (APCIA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

09:41:13 Rep. Duram
09:42:40 Greg Van Horssen, State Farm Insurance Company
09:42:48 Rep. Gist
09:43:15 Bob Biskupiak, CSI
09:43:35 Rep. Loge
09:44:00 Bob Biskupiak, CSI
09:44:43 Rep. Loge
09:45:12 Greg Van Horssen, State Farm Insurance Company
09:45:44 Rep. Loge
09:46:11 Dan Sullivan, NAIFA
09:47:11 Rep. Olsen
09:48:13 Vice Chair Buttrey assumed the Chair.
09:50:27 Bob Biskupiak, CSI
09:50:43 Rep. Olsen
09:53:34 Jon Metropoulos, Farmers Group Insurance; ACIL
09:54:00 Rep. Olsen
09:54:12 Rep. Marshall
09:54:37 Bob Biskupiak, CSI
09:54:38 Rep. Noland assumed the Chair.
09:54:42 Rep. Marshall
09:55:30 Bob Biskupiak, CSI

Closing by Sponsor:

09:56:04 Rep. Vinton

HEARING ON HB 338

Opening Statement by Sponsor:

09:58:38 Rep. Caleb Hinkle (R), opened the hearing on HB 338, Generally revise certification laws of trash/waste management companies.

Proponents' Testimony:

10:01:31 Roger Koopman, self
EXHIBIT(buh34a07)

10:04:45 Rep. Galloway joined the meeting.
10:14:49 Rep. Whitman
10:16:35 Lance Richards, self
10:18:21 Henry Kriegel, Americans for Prosperity Montana
10:19:53 Rep. Hopkins

Opponents' Testimony:

10:22:19 E.J. Redding, Montana Solid Waste Contractors Association (MSWC)
EXHIBIT(buh34a08)

10:25:29 Gary Zadick, Montana Solid Waste Contractors Association (MSWC)
10:33:51 Mike Jungers, Tri County Disposal (TCD)
EXHIBIT(buh34a09)

10:38:27 Dave Galt, Montana Chamber of Commerce
10:39:57 Allen Bowker, Bowker Sanitation and Roll Off
10:50:37 Chris Puyear, Republic Services
10:54:27 Lance Johnson, L&L Site Services
10:54:42 Rep. Gunderson left the meeting.
10:58:05 Lonnie Johnson, Plentywood Sanitation
11:01:54 Ron Devlin, Miles City Sanitation
11:05:40 Vice Chair Buttrey assumed the Chair.
11:05:45 Scott Shreves, Evergreen Disposal; Bitterroot Disposal (BD)
11:08:46 Chad Bauer, Republic Services; Montana Solid Waste Contractors Association (MSWC)
11:11:40 Rep. Noland assumed the Chair.
11:11:45 Chance Sparrow, Tri County Disposal (TCD)
11:13:00 John Laney, Miles City Chamber of Commerce; Miles City Area Economic Development Council (MCAEDC)

Informational Testimony:
11:17:08 Zachary Rogala, Montana Public Service Commission (PSC)

Questions from Committee Members and Responses:
11:17:34 Rep. Loge
11:18:13 Mike Jungers, TCD
11:19:53 Rep. Harvey left the meeting.
11:19:55 Rep. Loge
11:20:49 Chad Bauer, Republic Services; MSWC
11:21:37 Vice Chair Buttrey
11:22:37 Zachary Rogala, PSC
11:24:08 Rep. Marshall
11:24:45 Zachary Rogala, PSC
11:26:23 Rep. Marshall
11:27:58 Lance Johnson. L&L Site Services
11:28:52 Rep. Gist
11:29:36 Roger Koopman, self
11:34:36 Rep. Curdy
11:35:24 Roger Koopman, self
11:36:08 Rep. Marshall
11:36:34 Roger Koopman, self
11:38:18 Rep. Duram
11:39:48 Roger Koopman, self
11:40:34 Rep. Duram
11:41:26 E.J. Redding, MSWC
11:44:00 Rep. Duram
11:44:29 Mike Jungers, TCD
11:46:04 Rep. Gist
11:47:52 Chad Bauer, Republic Services; MSWC
11:48:59 Rep. Galloway
11:50:25 Rep. Gunderson joined the meeting.
11:54:04 Roger Koopman, self
11:55:02 Rep. Loge
11:56:54 Scott Shreves, Evergreen Disposal; BD

11:57:02 Rep. Duram
11:57:52 Zachary Rogala, PCS
11:59:30 Rep. Duram

Closing by Sponsor:
11:59:44 Rep. C. Hinkle

12:01:27 Chair Noland
12:01:50 Rep. Whiteman Pena
12:02:13 Chair Noland

ADJOURNMENT

Adjournment: 12:02:24

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Jordee Bomgardner, Secretary

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Additional Documents:

EXHIBIT(buh34aad.pdf)

STATES WITH COMMERCE UNIFORMITY FOR AUXILIARY CONTAINERS

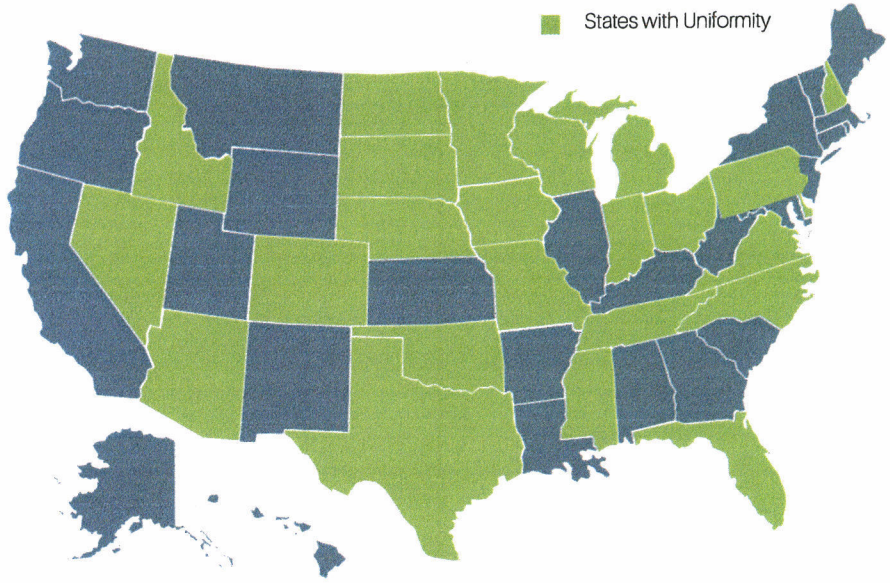

EXHIBIT 1
DATE 1-18-2021
HB 407

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: Chair Mark Noland, on February 19, 2021 at 08:30 AM, in Room 172 Capitol

ROLL CALL

Members Present:

Rep. Mark Noland, Chair (R)
Rep. Edward Buttrey, Vice Chair (R)
Rep. Katie Sullivan, Vice Chair (D)
Rep. Fred Anderson (R)
Rep. Willis Curdy (D)
Rep. Neil Duram (R)
Rep. Ross H. Fitzgerald (R)
Rep. Moffie Funk (D)
Rep. Steven Galloway (R)
Rep. Steve Gist (R)
Rep. Steve Gunderson (R)
Rep. Derek J. Harvey (D)
Rep. Denley M. Loge (R)
Rep. Ron Marshall (R)
Rep. Sara Novak (D)
Rep. Andrea Olsen (D)
Rep. Kerri Seekins-Crowe (R)
Rep. Rynalea Whiteman Pena (D)
Rep. Katie Zolnikov (R)

Members Excused:

Rep. Kim Abbott (D)

Members Absent: None

Staff Present:

Caitlin Cashman, Committee Secretary
Jameson Walker, Legislative Branch
Cara Grewell, Remote Meeting Coordinator

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:	SB 118, 2/17/2021; SB 156, 2/17/2021
Executive Action:	HB 201, HB 228, HB 285, HB 297, HB 338, HB 379, HB 407, SB 101, SB 129, SB 132

HEARING ON SB 156

Opening Statement by Sponsor:

08:38:22 Sen. Bryce Bennett (D), SD 50, opened the hearing on SB 156, Protect drivers license private data.

08:41:11 Chair Noland

Proponents' Testimony:

08:41:24 Laurel Hesse, American Civil Liberties Union (ACLU)
08:42:19 Chair Noland

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:42:57 Rep. Galloway
08:43:01 Chair Noland
08:43:03 Sen. Bennett
08:43:06 Rep. Galloway
08:43:40 Sen. Bennett
08:43:52 Chair Noland
08:43:55 Vice Chair Buttrey
08:45:38 Sen. Bennett
08:46:15 Chair Noland
08:46:19 Rep. Marshall
08:46:37 Sen. Bennett
08:46:49 Chair Noland
08:47:25 Rep. Curdy
08:47:39 Sen. Bennett
08:48:21 Chair Noland
08:48:26 Vice Chair Sullivan
08:49:06 Chair Noland

Closing by Sponsor:

08:49:12 Sen. Bennett

08:50:13 Chair Noland

HEARING ON SB 118

Opening Statement by Sponsor:

08:50:35 Sen. Terry Gauthier (R), SD 40, opened the hearing on SB 118, Revise laws relating to false statements to employers and workers' compensation.

Proponents' Testimony:

08:56:18 Bob Biskupiak, Commissioner of Securities and Insurance, Office of the Montana State Auditor (CSI)
08:57:52 Scott Sales, Governor's Office (GOV)

08:58:21 Abigail St. Lawrence, Montana Building Industry Association (MBIA)
08:59:17 Mark Baker, Kalispell Regional Healthcare (KRH); Kalispell Chamber of Commerce
09:02:22 Chair Noland
09:02:29 Aimee Grmoljez, Missoula Community Medical Center; Montana Bankers Association (MBA)
09:03:57 Mark Taylor, Idaho Forest Group; Montana Hospital Association (MHA)
09:04:53 Brad Roy, Kalispell Regional Healthcare (KRH)
EXHIBIT(buh35a01)

09:09:26 Julia Altemus, Montana Wood Products Association
EXHIBIT(buh35a02)

Opponents' Testimony:
09:11:02 Al Smith, Montana Trial Lawyers Association (MTLA)

Informational Testimony:
09:19:49 Kevin Braun, Montana State Fund (MSF)

Questions from Committee Members and Responses:
09:20:11 Rep. Marshall
09:21:48 Sen. Gauthier
09:21:51 Rep. Marshall
09:21:52 Chair Noland
09:21:58 Rep. Olsen
09:22:04 Chair Noland
09:22:06 Kevin Braun, MSF
09:22:11 Rep. Olsen
09:27:01 Kevin Braun, MSF
09:27:42 Rep. Gist
09:28:10 Chair Noland
09:28:11 Sen. Gauthier
09:28:15 Rep. Gist
09:28:33 Sen. Gauthier
09:28:43 Chair Noland
09:28:46 Kevin Braun, MSF
09:30:02 Rep. Gist
09:30:04 Chair Noland
09:30:06 Vice Chair Buttrey
09:30:09 Chair Noland
09:30:10 Vice Chair Buttrey
09:30:22 Kevin Braun, MSF
09:30:54 Chair Noland
09:30:59 Rep. Galloway
09:31:11 Mark Baker, KRH
09:32:38 Rep. Galloway
09:32:43 Chair Noland
09:32:57 Al Smith, MTLA
09:36:13 Rep. Galloway
09:36:17 Chair Noland

09:37:17 Mark Baker, KRH
09:37:20 Chair Noland
09:37:26 Rep. Duram
09:37:33 Chair Noland
09:37:35 Mark Baker, KRH
09:37:37 Rep. Duram
09:38:17 Mark Baker, KRH
09:39:23 Rep. Duram
09:39:26 Chair Noland
09:39:35 Vice Chair Sullivan
09:39:43 Chair Noland
09:39:48 Al Smith, MTLA
09:40:47 Vice Chair Sullivan
09:40:51 Chair Noland

Closing by Sponsor:
09:41:00 Sen. Gauthier

09:41:40 Chair Noland
09:42:38 Rep. Anderson
09:42:43 Chair Noland
09:42:58 Rep. Gunderson
09:43:03 Chair Noland
09:43:14 Rep. Gist
09:43:28 Chair Noland
09:43:52 Jameson Walker, Legislative Services Division (LSD)
09:44:18 Chair Noland
09:44:20 Rep. Galloway

09:44:31 Recess
10:31:02 Reconvened

10:31:46 Chair Noland
10:32:19 Vice Chair Sullivan
10:32:28 Chair Noland

EXECUTIVE ACTION ON HB 201

10:32:39 **Motion:** Rep. Buttrey moved that **HB 201 DO PASS**.

Discussion:
10:32:56 Chair Noland
10:33:12 Rep. Harvey
10:33:45 Chair Noland
10:33:48 Rep. Galloway
10:34:21 Chair Noland

10:34:24 **Vote:** Motion carried 12-8 by roll call vote with Rep. Abbott, Rep. Curdy, Rep. Funk, Rep. Harvey, Rep. Novak, Rep. Olsen, Rep. Sullivan and Rep. Whiteman Pena voting no. Rep. Abbott voted by proxy.

EXECUTIVE ACTION ON HB 228

10:35:43 **Motion:** Rep. Buttrey moved that **HB 228 DO PASS**.

Discussion:
10:35:47 Chair Noland
10:35:56 Rep. Funk

10:36:54 **Vote:** Motion failed 8-12 by roll call vote with Rep. Abbott, Rep. Curdy, Rep. Funk, Rep. Harvey, Rep. Novak, Rep. Olsen, Rep. Sullivan and Rep. Whiteman Pena voting aye. Rep. Abbott voted by proxy.

10:38:13 **Motion/Vote:** Rep. Buttrey moved that **HB 228 BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 285

10:38:36 **Motion:** Rep. Buttrey moved that **HB 285 DO PASS**.

Discussion:
10:39:01 Chair Noland
10:39:14 Rep. Duram
10:39:57 Chair Noland

10:41:48 **Vote:** Motion carried 11-9 by roll call vote with Rep. Abbott, Rep. Curdy, Rep. Funk, Rep. Galloway, Rep. Harvey, Rep. Noland, Rep. Olsen, Rep. Sullivan and Rep. Whiteman Pena voting no. Rep. Abbott voted by proxy.

EXECUTIVE ACTION ON HB 297

10:41:06 **Motion:** Rep. Buttrey moved that **HB 297 DO PASS**.

Discussion:
10:41:24 Rep. Funk left the meeting.
10:41:26 Chair Noland
10:41:40 Rep. Gist
10:42:08 Chair Noland
10:42:11 Rep. Novak
10:42:52 Chair Noland
10:42:54 Rep. Seekins-Crowe
10:43:15 Chair Noland
10:43:18 Rep. Galloway

10:43:52 Chair Noland

10:43:59 **Vote:** Motion failed 9-11 by roll call vote with Rep. Abbott, Rep. Curdy, Rep. Funk, Rep. Harvey, Rep. Loge, Rep. Novak, Rep. Olsen, Rep. Sullivan and Rep. Whiteman Pena voting aye. Rep. Abbott and Rep. Funk voted by proxy.

10:45:21 **Motion/Vote:** Rep. Buttrey moved that **HB 297 BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 338

10:45:37 **Motion:** Rep. Buttrey moved that **HB 338 DO PASS**.

Discussion:
10:46:00 Chair Noland
10:46:04 Rep. Duram
10:46:29 Chair Noland
10:46:33 Rep. Harvey

10:46:50 **Substitute Motion/Vote:** Rep. Harvey made a substitute motion that **HB 338 BE TABLED**. Substitute Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 379

10:47:27 **Motion:** Rep. Buttrey moved that **HB 379 DO PASS**.

10:47:41 **Motion:** Rep. Buttrey moved that **HB 379 BE AMENDED**.
EXHIBIT(buh35a03)

10:48:25 **Vote:** Motion carried unanimously by voice vote.

10:48:32 **Motion:** Rep. Buttrey moved that **HB 379 DO PASS AS AMENDED**.

Discussion:
10:48:47 Chair Noland
10:48:54 Rep. Olsen
10:50:03 Chair Noland

10:50:11 **Vote:** Motion carried 13-7 by roll call vote with Rep. Abbott, Rep. Curdy, Rep. Duram, Rep. Harvey, Rep. Olsen, Rep. Sullivan and Rep. Whiteman Pena voting no. Rep. Abbott and Rep. Funk voted by proxy.

EXECUTIVE ACTION ON HB 407

10:51:24 **Motion:** Rep. Buttrey moved that **HB 407 DO PASS**.

Discussion:
10:51:40 Chair Noland
10:51:51 Rep. Curdy
10:53:01 Chair Noland
10:53:03 Vice Chair Buttrey
10:53:34 Chair Noland

10:53:41 **Vote:** Motion carried 12-8 by roll call vote with Rep. Abbott, Rep. Curdy, Rep. Funk, Rep. Harvey, Rep. Novak, Rep. Olsen, Rep. Sullivan and Rep. Whiteman Pena voting no. Rep. Abbott and Rep. Funk voted by proxy.

EXECUTIVE ACTION ON SB 101

10:54:38 **Motion:** Rep. Buttrey moved that **SB 101 BE CONCURRED IN**.

10:54:52 **Motion:** Rep. Buttrey moved that **SB 101 BE AMENDED**.
EXHIBIT(buh35a04)

10:55:47 **Vote:** Motion carried unanimously by voice vote.

10:55:54 **Motion:** Rep. Buttrey moved that **SB 101 BE CONCURRED IN AS AMENDED**.

Discussion:
10:55:58 Chair Noland
10:56:08 Vice Chair Sullivan
10:56:58 Chair Noland
10:57:00 Rep. Duram
10:57:27 Chair Noland
10:57:29 Rep. Galloway
10:58:00 Chair Noland

10:58:08 **Vote:** Motion carried unanimously by roll call vote. Rep. Abbott and Rep. Funk voted by proxy. Rep. Noland will carry the bill.

EXECUTIVE ACTION ON SB 129

10:59:00 **Motion:** Rep. Buttrey moved that **SB 129 BE CONCURRED IN**.

Discussion:
10:59:23 Chair Noland
10:59:38 Rep. Duram
11:00:04 Chair Noland
11:00:11 Rep. Olsen
11:01:05 Vice Chair Buttrey
11:01:16 Rep. Marshall

11:01:48 **Vote:** Motion carried 18-2 by roll call vote with Rep. Olsen and Rep. Whiteman Pena voting no. Rep. Abbott and Rep. Funk voted by proxy. Rep. Noland will carry the bill.

EXECUTIVE ACTION ON SB 132

11:02:39 **Motion:** Rep. Buttrey moved that **SB 132 BE CONCURRED IN**.

Discussion:
11:02:59 Chair Noland
11:03:07 Vice Chair Buttrey
11:03:08 Chair Noland

11:03:12 **Substitute Motion:** Rep. Harvey made a substitute motion that **SB 132 BE TABLED**.

11:03:53 **Vote:** Motion carried 10-8 by roll call vote with Rep. Duram, Rep. Galloway, Rep. Gist, Rep. Gunderson, Rep. Marshall, Rep. Noland, Rep. Seekins-Crowe and Rep. Zolnikov voting no.

11:04:53 Chair Noland
11:04:59 Vice Chair Buttrey
11:05:08 Rep. Whiteman Pena
11:05:12 Chair Noland
11:06:55 Vice Chair Buttrey
11:07:13 Chair Noland
11:07:16 Jameson Walker, LSD
11:07:50 Chair Noland
11:08:29 Rep. Olsen
11:09:03 Chair Noland

ADJOURNMENT

Adjournment: 11:09:06

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Caitlin Cashman, Secretary

cc

Additional Documents:

EXHIBIT(buh35aad.pdf)

MINUTES

MONTANA SENATE
67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chair Steve Fitzpatrick, on March 23, 2021 at 9:00 A.M., in Room 422 Capitol

ROLL CALL

Members Present in the Committee Room:

Sen. Steve Fitzpatrick, Chair (R)
Sen. Gordon Vance, Vice Chair (R)
Sen. Terry Gauthier (R)
Sen. Bruce Gillespie (R)
Sen. Jason D. Small (R)
Sen. Cary Smith (R)
Sen. Mark Sweeney (D)

Members Present by Zoom Video Conference:

Sen. Carlie Boland, Vice Chair (D)
Sen. Mike Fox (D)
Sen. Christopher Pope (D)

Members Excused:

Sen. Jason W. Ellsworth (R)

Members Absent: None

Staff Present: Olivia Hopkins, Committee Secretary
Clara Bentler, Remote Meeting Coordinator
Erin Sullivan, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:	SB 378, 3/18/2021; HB 407, 3/18/2021; HB 558, 3/18/2021; HB 564, 3/18/2021
Executive Action:	HB 63, HB 249, HB 360

HEARING ON HB 407

Opening Statement by Sponsor:
09:01:28 Rep. Mark Noland (R), HD 10, opened the hearing on HB 407, Establish a statewide uniformity for auxiliary container regulations.

Proponents' Testimony:
09:04:07 Sen. Greg Hertz, HD 12
09:06:01 Brad Griffin, Montana Retail Association
09:11:29 Bridger Mahlum, Montana Chamber of Commerce
09:11:59 Brad Longcake, Montana Petroleum Marketers
09:12:49 Elaine Taylor, Montana Beverage Association
09:13:18 John Iverson, Montana Tavern Association
09:13:36 Ronda Wiggers, National Federation of Independent Businesses

Opponents' Testimony:
09:15:55 Youpa Stein, citizen
09:17:40 Kelly Lynch, Montana League of Cities and Towns
EXHIBIT(bus57a01)

09:19:57 Jeremy Drake, citizen
EXHIBIT(bus57a02)

09:22:25 Conor Ploeger, Montana Environmental Information Center
09:24:03 Amy Seaman, Montana Audubon
EXHIBIT(bus57a03)

Additional Testimony Received:
EXHIBIT(bus57a04)

Informational Testimony: None

Questions from Committee Members and Responses:
09:25:59 Sen. Gillespie
09:26:32 Ms. Stein, citizen
09:27:58 Sen. Boland
09:28:32 Rep. Noland
09:30:49 Sen. Boland
09:31:31 Rep. Noland
09:32:34 Sen. Boland
09:33:15 Rep. Noland

09:34:24 Sen. Smith entered the meeting.

09:34:30 Chair Fitzpatrick
09:34:51 Rep. Noland
09:35:00 Sen. Pope
09:36:43 Rep. Noland
09:37:59 Sen. Pope
09:39:03 Sen. Sweeney

09:40:00 Rep. Noland

Closing by Sponsor:
09:40:06 Rep. Noland

HEARING ON HB 558

Opening Statement by Sponsor:
09:41:14 Rep. Mark Noland (R), HD 10, opened the hearing on HB 558, Revise franchise laws relating to transfer of a franchise.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
09:43:49 Sen. Gillespie
09:44:11 Rep. Noland
09:44:56 Chair Fitzpatrick
09:45:00 Rep. Noland
09:45:04 Chair Fitzpatrick
09:45:33 Sen. Sweeney
09:46:56 Rep. Noland
09:47:15 Sen. Pope
09:48:58 Rep. Noland
09:51:22 Sen. Pope
09:51:45 Sen. Sweeney
09:52:12 Sen. Gauthier

Closing by Sponsor:
09:53:19 Rep. Noland

HEARING ON HB 564

Opening Statement by Sponsor:
09:53:49 Rep. Mark Noland (R), HD 10, opened the hearing on HB 564, Revise laws relating to lawyers ability to handle real estate transactions.

Proponents' Testimony: None

Opponents' Testimony:
09:57:58 Dash DeJarnatt, attorney
EXHIBIT(bus57a05)

10:05:38 Randall Snyder, attorney
EXHIBIT(bus57a06)

Informational Testimony: None

Questions from Committee Members and Responses:
10:10:16 Chair Fitzpatrick
10:10:37 Mr. Snyder, attorney
10:11:29 Chair Fitzpatrick
10:11:48 Mr. Snyder

Closing by Sponsor:
10:13:24 Rep. Noland

10:15:05 Sen. Vance assumed the duties of the chair.

HEARING ON SB 378

Opening Statement by Sponsor:
10:15:16 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 378, Revise gambling laws related to multiple competitor sports pools.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:
10:17:28 Sen. Fitzpatrick

10:17:33 Sen. FItzpatrick assumed the duties of the chair.

10:17:52 Chair Fitzpatrick

10:19:01 Recess
10:39:13 Reconvene

EXECUTIVE ACTION ON HB 63

10:39:16 **Motion:** Sen. Vance moved that **HB 63 BE CONCURRED IN**.

10:39:22 **Motion/Vote:** Sen. Fitzpatrick moved that **HB 63 BE AMENDED**. Motion carried 9-0 by voice vote. Sen. Ellsworth was excused.
EXHIBIT(bus57a07)

10:39:58 **Motion:** Sen. Fitzpatrick moved that **HB 63 BE AMENDED**.
EXHIBIT(bus57a08)

Discussion:
10:40:41 Sen. Boland

10:41:27 Chair Fitzpatrick
10:42:25 Sen. Boland
10:42:36 Chair Fitzpatrick
10:42:53 Sen. Boland

10:42:58 **Vote:** Motion carried 10-0 by voice vote. Sen. Ellsworth was excused.

10:43:07 **Motion/Vote:** Sen. Vance moved that **HB 63 BE CONCURRED IN AS AMENDED**. Motion carried 10-0 by voice vote. Sen. Ellsworth was excused. Sen. Fitzpatrick will carry the bill.

EXECUTIVE ACTION ON HB 249

10:43:28 **Motion:** Sen. Vance moved that **HB 249 BE CONCURRED IN**.

Discussion:
10:43:49 Sen. Pope
10:44:35 Sen. Boland

10:45:34 **Vote:** Motion carried 8-3 by roll call vote with Sen. Boland, Sen. Fitzpatrick and Sen. Pope voting no. Sen. Ellsworth voted by proxy. Sen. Ellsworth will carry the bill.

EXECUTIVE ACTION ON HB 360

10:46:17 **Motion/Vote:** Sen. Vance moved that **HB 360 BE CONCURRED IN**. Motion failed 4-7 by roll call vote with Sen. Boland, Sen. Fox, Sen. Pope and Sen. Sweeney voting aye. Sen. Ellsworth voted by proxy.

10:47:11 **Motion/Vote:** Sen. Vance moved that **HB 360 BE TABLED**. Motion carried unanimously by roll call vote. Sen. Ellsworth voted by proxy.

10:47:54 Chair Fitzpatrick

ADJOURNMENT

Adjournment: 10:48 A.M.

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Olivia Hopkins, Secretary

oh

Additional Documents:

EXHIBIT(bus57aad.pdf)

SENATE BUSINESS & LABOR
Exhibit No. 1
Date 3/23/2021
Bill No. HB 407

From: leg-noreply@mt.gov
To: LEG Applications Email Backup; LEG Committee-Senate Business & Labor testimony
Subject: Public Comment for Bill HB-407: Establish a statewide uniformity for auxiliary container regulations 2021-03-23 09:00 AM - (S) Business, Labor, and Economic Affairs Successfully Submitted on 03-22-21 08:56
Date: Monday, March 22, 2021 8:56:06 AM

Details:
Bill: HB-407: Establish a statewide uniformity for auxiliary container regulations 2021-03-23 09:00 AM - (S) Business, Labor, and Economic Affairs
Position: Opponent
Representing an Entity/Another Person: Yes
Organization: Montana League of Cities and Towns
Name: Kelly Lynch
Email: kelly.lynch@mtleague.net
Phone: (406) 465-5711
City, State: Helena
Written Statement: The League opposes HB 407.
Files:
Testify via Zoom: Yes
Zoom Method: Computer

SENATE BUSINESS & LABOR
Exhibit No. 2
Date 3/23/2021
Bill No. HB 407

From: leg-noreply@mt.gov
To: LEG Applications Email Backup; LEG Committee-Senate Business & Labor testimony
Subject: Public Comment for Bill HB-407: Establish a statewide uniformity for auxiliary container regulations 2021-03-23 09:00 AM - (S) Business, Labor, and Economic Affairs Successfully Submitted on 03-22-21 09:26
Date: Monday, March 22, 2021 9:26:23 AM

Details:
Bill: HB-407: Establish a statewide uniformity for auxiliary container regulations 2021-03-23 09:00 AM - (S) Business, Labor, and Economic Affairs
Position: Opponent
Representing an Entity/Another Person: No
Organization: N/A
Name: Jeremy Drake
Email: thejaderake@gmail.com
Phone: (406) 493-5793
City, State: Missoula, MT
Written Statement: As a small business owner, I oppose HB 407 because I believe it puts Montana's future in jeopardy. There is more economic opportunity - sustainable economic opportunity - in a future without the type of plastic this bill protects. I believe it would be short-sighted and downright anti-Montana for you to limit the ability for a local jurisdiction to decide for itself whether it wants to take advantage of that opportunity to drive innovation.

I own and operate a small farm called Briarwood Farm. I grow and deliver freshly harvested produce to my customers all across town. My customers are from all walks of life. They are fellow local business owners, parents, grandparents, public servants, doctors, teachers, and students. They are old and young, Republican and Democrat.

I offer my customers the option to receive my local, Montana-grown agricultural product in reusable, returnable containers -- just like the milkman used to do in the good old days -- as an alternative to single-use plastic. Every customer has chosen the reusable container option because they understand that we need less single-use plastic in our lives, not more. They understand the environmental and human health impacts of our reliance on plastic and they are willing to pay me money to stop the harm associated with it.

As a local business owner and Montana resident, I urge you to put the health of Montana's economy before plastic. A vote for HB 407 is a vote to put the last best place dead last on the road to innovating our future. Please stand against HB 407 to preserve local autonomy and protect Montana's future.
Files:
Testify via Zoom: Yes
Zoom Method: Computer

SENATE BUSINESS & LABOR
Exhibit No. 3
Date 3/23/2021
Bill No. HB 407

From: leg-noreply@mt.gov
To: LEG Applications Email Backup; LEG Committee-Senate Business & Labor testimony
Subject: Public Comment for Bill HB-407: Establish a statewide uniformity for auxiliary container regulations 2021-03-23 09:00 AM - (S) Business, Labor, and Economic Affairs Successfully Submitted on 03-22-21 10:41
Date: Monday, March 22, 2021 10:41:43 AM

Details:
Bill: HB-407: Establish a statewide uniformity for auxiliary container regulations 2021-03-23 09:00 AM - (S) Business, Labor, and Economic Affairs
Position: Opponent
Representing an Entity/Another Person: Yes
Organization: Montana Audubon
Name: Amy Seaman
Email: aseaman@mtaudubon.org
Phone: (406) 210-9449
City, State: Helena
Written Statement: Chairman and Members of the Committee,
Montana Audubon would like to be on the record in opposition of house bill 407.
It is our mission is to promote the appreciation, knowledge and conservation of Montana's native birds, other wildlife, and natural ecosystems to safeguard biological diversity for current and future generations. We are an independent, state-wide non-profit representing almost 6,000 Montanans.
Thank you for the opportunity to testify remotely in opposition of House Bill 407, we look forward to being a part of the hearing.
Files:
Testify via Zoom: Yes
Zoom Method: Computer

SENATE BUSINESS & LABOR
Exhibit No. 4
Date 3/23/2021
Bill No. HB 407

From: leg-noreply@mt.gov
To: LEG Applications Email Backup; LEG Committee-Senate Business & Labor testimony
Subject: Public Comment for Bill HB-407: Establish a statewide uniformity for auxiliary container regulations 2021-03-23 09:00 AM - (S) Business, Labor, and Economic Affairs Successfully Submitted on 03-22-21 11:25
Date: Monday, March 22, 2021 11:25:28 AM

Details:
Bill: HB-407: Establish a statewide uniformity for auxiliary container regulations 2021-03-23 09:00 AM - (S) Business, Labor, and Economic Affairs
Position: Opponent
Representing an Entity/Another Person: No
Organization: N/A
Name: Cory McAtee
Email: cormcatee@gmail.com
Phone: (406) 549-6225
City, State: Missoula, MT
Written Statement: I am opposed to this bill. Plastic is hurting the environment. We need to reduce our creation of it.
Files:
Testify via Zoom: No
Zoom Method: N/A

From:	leg-noreply@mt.gov
To:	LEG Applications Email Backup; LEG Committee-Senate Business & Labor testimony
Subject:	Public Comment for Bill HB-407: Establish a statewide uniformity for auxiliary container regulations 2021-03-23 09:00 AM - (S) Business, Labor, and Economic Affairs Successfully Submitted on 03-22-21 11:27
Date:	Monday, March 22, 2021 11:27:44 AM

Details:
Bill: HB-407: Establish a statewide uniformity for auxiliary container regulations 2021-03-23 09:00 AM - (S) Business, Labor, and Economic Affairs
Position: Opponent
Representing an Entity/Another Person: No
Organization: N/A
Name: Nicholas McAtee
Email: Mcateenicholas1979@gmail.com
Phone: (406) 214-9911
City, State: Missoula MT
Written Statement: I think having laws that preemptively stop legislation that might in the future benefit us is detrimental. We do not know what the future may hold and putting legislation in the way of what might help us in the future is wrong. This bill is just another way for oil companies to further our dependence on oil when we should be finding ways to re-use or stop using these harmful products.
Files:
Testify via Zoom: No
Zoom Method: N/A

From:	leg-noreply@mt.gov
To:	LEG Applications Email Backup; LEG Committee-Senate Business & Labor testimony
Subject:	Public Comment for Bill HB-407: Establish a statewide uniformity for auxiliary container regulations 2021-03-23 09:00 AM - (S) Business, Labor, and Economic Affairs Successfully Submitted on 03-22-21 09:17
Date:	Monday, March 22, 2021 9:17:55 AM

Details:
Bill: HB-407: Establish a statewide uniformity for auxiliary container regulations 2021-03-23 09:00 AM - (S) Business, Labor, and Economic Affairs
Position: Opponent
Representing an Entity/Another Person: No
Organization: N/A
Name: Sarah Lundquist
Email: lundquist.sarahb@gmail.com
Phone: (425) 931-8623
City, State: Missoula, MT
Written Statement: I oppose HB 407 because it disempowers local communities, unjustifiably centralizes power and authority with the State, and prevents localities from making their own decisions regarding pollution control, waste management, and job creation in the composting and recycling sectors. If individual jurisdictions want to take measures to address these and other concerns, they should be allowed to make that choice without being overruled by the State. Please stand against HB 407 to preserve local autonomy and protect Montana's future. Thank you for your time and service.
Files:
Testify via Zoom: No
Zoom Method: N/A

From:	leg-noreply@mt.gov
To:	LEG Applications Email Backup; LEG Committee-Senate Business & Labor testimony
Subject:	Public Comment for Bill HB-407: Establish a statewide uniformity for auxiliary container regulations 2021-03-23 09:00 AM - (S) Business, Labor, and Economic Affairs Successfully Submitted on 03-19-21 20:10
Date:	Friday, March 19, 2021 8:10:34 PM

Details:
Bill: HB-407: Establish a statewide uniformity for auxiliary container regulations 2021-03-23 09:00 AM - (S) Business, Labor, and Economic Affairs
Position: Opponent
Representing an Entity/Another Person: No
Organization: N/A
Name: Amy O'Hoyt
Email: aohoyt@gmail.com
Phone: (817) 727-0844
City, State: Polson
Written Statement: Montana is a state where many freedoms still exist. Why wouldn't we allow each city to have the freedom to enact their own laws for retainers? Uniformity has never been Montana's answer.
Files:
Testify via Zoom: No
Zoom Method: N/A

From:	leg-noreply@mt.gov
To:	LEG Applications Email Backup; LEG Committee-Senate Business & Labor testimony
Subject:	Public Comment for Bill HB-407: Establish a statewide uniformity for auxiliary container regulations 2021-03-23 09:00 AM - (S) Business, Labor, and Economic Affairs Successfully Submitted on 03-22-21 10:50
Date:	Monday, March 22, 2021 10:50:26 AM

Details:
Bill: HB-407: Establish a statewide uniformity for auxiliary container regulations 2021-03-23 09:00 AM - (S) Business, Labor, and Economic Affairs
Position: Opponent
Representing an Entity/Another Person: No
Organization: N/A
Name: Lorie Lochridge
Email: lblades_27@yahoo.com
Phone: (406) 686-1129
City, State: Missoula, MT
Written Statement: I am expressing opposition to HB 407, which denies local governments the ability to regulate, within their limited jurisdictions, "auxiliary containers" for foods and beverages.

The connection between plastic packaging and plastic pollution is not limited to distant oceans. A 2019 study conducted by Environment Montana revealed microplastic is pervasive in Montana waterways with 50 percent of the sites containing microplastic fragments and 18 percent containing microplastic film (source). These are the types of materials that will be protected by this bill - rigid plastics, polystyrene, clear plastic containers, plastic bags, and plastic food wrappers. The state constitution Article IX which reads, "The state and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations," was not written to protect plastic or the plastic industry; it was written to protect the "environment in Montana for present and future generations." The constitution also states that "The legislature shall provide for the administration and enforcement of this duty and that "The legislature shall provide adequate remedies for the protection of the environmental life support system...." This is our home and our children drink and play in the water

I urge you to put the health of Montana and Montanas and the power of community choice before the plastic industry. A vote for HB 407 is a vote to pollute the last best place. Please stand against HB 407 for present and future generations.

Sincerely, A Concerned Montanan
Files:
Testify via Zoom: No
Zoom Method: N/A

From:	leg-noreply@mt.gov
To:	LEG Applications Email Backup; LEG Committee-Senate Business & Labor testimony
Subject:	Public Comment for Bill HB-407: Establish a statewide uniformity for auxiliary container regulations 2021-03-23 09:00 AM - (S) Business, Labor, and Economic Affairs Successfully Submitted on 03-22-21 10:13
Date:	Monday, March 22, 2021 10:13:46 AM

Details:
Bill: HB-407: Establish a statewide uniformity for auxiliary container regulations 2021-03-23 09:00 AM - (S) Business, Labor, and Economic Affairs
Position: Opponent
Representing an Entity/Another Person: No
Organization: N/A
Name: Noelle Herring
Email: noelleherring1994@gmail.com
Phone: (605) 858-9815
City, State: Spokane, WA
Written Statement: This is absolutely a step in the wrong direction. This bill would be detrimental to Montana's precious environment and wildlife. If we want to ensure the wellbeing of Montana's citizens and natural landscapes for years to come, we need to be able to phase out single use plastics. Micro plastics have already been found in Montana's waterways. It's extremely important for any and all organisms, populations, developments, etc. to keep these waterways clean. Environmental destruction not only has biological impacts but monetary as well. The costs to remedy far outweigh the costs to prevent. It would be highly unethical and uneconomical to allow this bill to go forward.
Files:
Testify via Zoom: No
Zoom Method: N/A

MINUTES

MONTANA SENATE
67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chair Steve Fitzpatrick, on March 24, 2021 at 9:00 A.M., in Room 422 Capitol

ROLL CALL

Members Present in the Committee Room:

Sen. Steve Fitzpatrick, Chair (R)
Sen. Gordon Vance, Vice Chair (R)
Sen. Terry Gauthier (R)
Sen. Bruce Gillespie (R)
Sen. Jason D. Small (R)
Sen. Cary Smith (R)
Sen. Mark Sweeney (D)

Members Present by Zoom Video Conference:

Sen. Carlie Boland, Vice Chair (D)
Sen. Mike Fox (D)
Sen. Christopher Pope (D)

Members Excused:

Sen. Jason W. Ellsworth (R)

Members Absent: None

Staff Present: Olivia Hopkins, Committee Secretary
Clara Bentler, Remote Meeting Coordinator
Erin Sullivan, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:	HB 493, 3/19/2021; HB 589, 3/19/2021; HB 593, 3/19/2021; SB 374, 3/19/2021
Executive Action:	HB 407, HB 558, SR 90, SB 381

HEARING ON HB 589

Opening Statement by Sponsor:
09:02:46 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 589, Revise disposition of civil fines under consumer protection act.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
09:07:32 Sen. Boland
09:08:10 Rep. Mercer
09:09:59 Sen. Boland
09:10:47 Rep. Mercer
09:12:28 Sen. Boland
09:13:03 Rep. Mercer
09:15:16 Sen. Boland
09:15:47 Rep. Mercer
09:16:10 Sen. Gauthier
09:16:25 Rep. Mercer

Closing by Sponsor:
09:17:58 Rep. Mercer

HEARING ON HB 593

Opening Statement by Sponsor:
09:19:19 Rep. Kerri Seekins-Crowe (R), HD 43, opened the hearing on HB 593, Generally revise barbering and cosmetology laws.

Proponents' Testimony:
09:20:36 Scott Boulanger, Montana Association of Beauty Schools (MABS)
09:21:57 Stephanie Lundstrom, citizen
09:22:20 Esperanza Battrick, citizen
09:22:56 Jean Branscum, Montana Medical Association
09:24:51 Nicole King, citizen
09:28:07 Jason Priest, citizen
09:30:46 Linda McPherson, citizen

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
09:33:59 Sen. Boland
09:34:45 Rep. Seekins-Crowe
09:35:03 Mr. Boulanger, MABS

Closing by Sponsor:
09:35:50 Rep. Seekins-Crowe

HEARING ON HB 493

Opening Statement by Sponsor:
09:37:09 Rep. Katie Zolnikov (R), HD 45, opened the hearing on HB 493, Establish advanced esthetics practitioner license.

Proponents' Testimony:
09:41:53 Todd Younkin, Department of Labor and Industry (DLI)
EXHIBIT(bus58a01)

09:45:32 Lauren Hansen, Montana Board of Barbers and Cosmetologists, DLI
EXHIBIT(bus58a02)

09:48:33 Leesha Ford, Montana Board of Nursing, DLI

Opponents' Testimony:
09:51:22 Scott Boulanger, Montana Association of Beauty Schools (MABS)
09:53:06 Stephanie Lundstrom, citizen
09:54:11 Jean Branscum, Montana Medical Association
EXHIBIT(bus58a03)

09:58:22 Nicole King, citizen
10:00:42 Jason Priest, citizen
10:03:32 Linda McPherson, citizen

Informational Testimony:
10:07:12 Lucy Richards, DLI
EXHIBIT(bus58a04)

Questions from Committee Members and Responses:
10:08:09 Sen. Gillespie
10:08:20 Ms. Lundstrom, citizen
10:09:26 Chair Fitzpatrick
10:09:53 Mr. Boulanger, MABS
10:10:31 Chair Fitzpatrick
10:10:45 Mr. Boulanger
10:11:42 Sen. Gauthier
10:12:26 Ms. Richards, DLI
10:13:43 Sen. Gauthier
10:13:55 Ms. Richards
10:14:06 Sen. Boland
10:14:41 Mr. Younkin, DLI
10:14:56 Ms. Richards
10:15:59 Sen. Boland
10:16:19 Ms. Richards
10:16:50 Sen. Pope
10:18:12 Ms. Ford, DLI

10:21:59 Sen. Pope
10:23:00 Mr. Younkin
10:24:18 Sen. Small
10:24:32 Mr. Boulanger
10:25:18 Mr. Priest, citizen
10:27:19 Sen. Pope
10:28:00 Rep. Zolnikov
10:28:48 Sen. Pope

Closing by Sponsor:
10:29:35 Rep. Zolnikov

HEARING ON SB 374

Opening Statement by Sponsor:
10:33:13 Sen. Cary Smith (R), SD 27, opened the hearing on SB 374, Revise laws related to dispensing of drugs by medical practitioners.
EXHIBIT(bus58a05)

Proponents' Testimony:
10:39:22 Kendall Cotton, Frontier Institute
10:41:35 Logan Tinsen, Montana Pharmacy Association
10:43:54 Todd Bergland, Montana Direct Primary Care Association
10:49:30 Jean Branscum, Montana Medical Association
10:53:39 Ingrid Lovitt, Montana Association of Naturopathic Physicians
10:55:10 Henry Kriegel, Americans for Prosperity of Montana
10:56:33 Cara Harrop, citizen

Opponents' Testimony:
10:58:48 Ethan Heverly, Montana State Fund
10:59:42 Peter Strauss, Montana Self Insurers' Association
EXHIBIT(bus58a06)

Informational Testimony:
11:00:55 Marcie Bough, Montana Board of Pharmacy; Department of Labor and Industry (DLI)
EXHIBIT(bus58a07)

Questions from Committee Members and Responses:
11:01:38 Sen. Boland
11:02:35 Ms. Harrop, citizen
11:03:23 Sen. Boland
11:03:42 Ms. Harrop
11:03:56 Sen. Gauthier
11:04:21 Ms. Harrop
11:04:50 Sen. Pope
11:05:48 Ms. Bough, DLI
11:06:42 Sen. Gillespie
11:08:01 Sen. Smith

Closing by Sponsor:
11:09:10 Sen. Smith

11:09:52 Chair Fitzpatrick

11:11:15 Recess
11:21:18 Reconvene

EXECUTIVE ACTION ON SB 381

11:21:20 **Motion/Vote:** Sen. Vance moved that **SB 381 BE TABLED**. Motion carried 10-0 by voice vote. Sen. Ellsworth was excused.

EXHIBIT(bus58a08)

EXECUTIVE ACTION ON HB 407

11:21:44 **Motion:** Sen. Vance moved that **HB 407 BE CONCURRED IN**.

Discussion:
11:21:58 Sen. Pope

11:23:14 **Vote:** Motion carried 7-4 by roll call vote with Sen. Boland, Sen. Fox, Sen. Pope and Sen. Sweeney voting no. Sen. Ellsworth voted by proxy. Sen. Gauthier will carry the bill.

EXECUTIVE ACTION ON HB 558

11:23:53 **Motion:** Sen. Vance moved that **HB 558 BE CONCURRED IN**.

Discussion:
11:24:05 Chair Fitzpatrick

11:24:25 **Vote:** Motion carried 10-0 by voice vote. Sen. Ellsworth was excused. Sen. Gauthier will carry the bill.

EXECUTIVE ACTION ON SR 90

11:24:51 **Motion:** Sen. Vance moved that **SR 90 BE ADOPTED**.

Discussion:
11:25:02 Sen. Boland
11:25:43 Sen. Gauthier
11:26:16 Chair Fitzpatrick

11:26:58 **Vote:** Motion carried 8-3 by roll call vote with Sen. Boland, Sen. Fox and Sen. Pope voting no. Sen. Ellsworth voted by proxy.

11:27:39 Chair Fitzpatrick

ADJOURNMENT

Adjournment: 11:28 A.M.

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Olivia Hopkins, Secretary

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Additional Documents:

EXHIBIT(bus58aad.pdf)